

# Exhibit 1

**From:** [Bailey, Kate \(CIV\)](#)  
**To:** [Case, Andrew](#); [Federighi, Carol \(CIV\)](#); [Coyle, Garrett \(CIV\)](#); [Ehrlich, Stephen \(CIV\)](#)  
**Cc:** [Goldstein, Elena](#); [McGuinness, John](#); ["Thomas, Tina \(TThomas@cov.com\)"](#); ["Niyati Shah \(nshah@advancingjustice-aajc.org\)"](#); [Colangelo, Matthew](#); ["Gersch, David P. \(David.Gersch@arnoldporter.com\)"](#); ["Freedman, John A. \(John.Freedman@arnoldporter.com\)"](#); ["pbduke@cov.com"](#); ["asenteno@MALDEF.org"](#); ["Denise M. Hulett \(dhulett@maldef.org\)"](#); ["Todd Grabarsky \(Todd.Grabarsky@doj.ca.gov\)"](#)  
**Subject:** Re: Depositions This Week  
**Date:** Wednesday, October 10, 2018 12:08:22 AM

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Andrew,

Thank you for writing to confirm next steps for this week's schedule.

We agree with you that Justice Ginsburg's order does not affect discovery related to standing, and you are correct that we did not seek a stay of discovery related to Plaintiffs' standing. Accordingly, we will proceed as planned with the scheduled depositions of Plaintiffs' experts and the remaining individual members of plaintiff organizations.

Regarding the depositions of Langdon and Park-Su, on the other hand, we do understand Justice Ginsburg's order to include a stay of further fact discovery, as such discovery was initially authorized by Judge Furman's July 3rd order and later authorized to the same extent by Judges Seeborg and Hazel. Mr. Langdon and Ms. Park-Su will thus not be made available while the Supreme Court's stay is in place but, should the Court ultimately deny Defendants' mandamus petition, the four remaining fact deponents will promptly be made available, including after the scheduled close of discovery, if necessary.

Thank you for your understanding and flexibility.

Kate Bailey

----- Original message -----

**From:** "Case, Andrew" <ACase@manatt.com>  
**Date:** 10/9/18 10:19 PM (GMT-05:00)  
**To:** "Bailey, Kate (CIV)" <katbaile@CIV.USDOJ.GOV>, "Federighi, Carol (CIV)" <CFederig@CIV.USDOJ.GOV>, "Coyle, Garrett (CIV)" <gcoyle@CIV.USDOJ.GOV>, "Ehrlich, Stephen (CIV)" <sehrlich@CIV.USDOJ.GOV>  
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**Subject:** Depositions This Week

Kate,

We saw the order staying certain orders in the New York cases tonight. We are writing regarding the fact depositions noticed by the California and Maryland plaintiffs and the expert depositions that you have planned over the next few days.

The California and Maryland plaintiffs have noticed the deposition of David Langdon tomorrow and Sahra Park-Su for Thursday. Both were noticed pursuant to Judge Seeborg's 8/17 order and Judge Hazel's 8/20 and subsequent orders, none of which have been stayed.

In addition, there are expert depositions scheduled over the next few days, including Thompson (tomorrow), Barreto (Thursday), Habermann (Friday), and Abowd (Friday). You argued in your 9/21/18 mandamus reply in the Second Circuit that you were not seeking relief from orders that "permit expert discovery on collateral matters such as plaintiffs' standing." These experts have been made available after careful coordination. Numerous attorneys are now in transit to conduct and defend these depositions, and we cannot guarantee that these experts will be available again.

We therefore understand that the expert and fact depositions (aside from Ross and Gore) scheduled for the next few days will go forward as scheduled.

Thank you,

Andrew

**Andrew Case**

Associate

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